IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

INCOME TAX APPEAL NO.711 OF 2002

The Commissioner of Income Tax,
City-XXII, Mumbai. .. Appellant

v/s.

M/s. Bhaveshwar Enterprises .. Respondent

Mr.R.V.Desai, senior counsel with Mr.R.Asokan i/by
Mr.K.B.Rao for appellant.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 9th September, 2004

P.C.

Heard.

2. In the memorandum of appeal, the following question of law has been proposed:-

> "Whether on the facts and in the circumstances of the case and in law, the ITAT erred in allowing the appeal of the assessee and allowing deletion of Rs.90 lakhs from the taxable income, the same being the compensation received by the assessee on surrender of his tenancy rights?"

3. The aforesaid question already stands answered by the Division Bench judgment of this court in Cadell Weaving Mills Co.Pvt.Ltd. v. Commisisoner of Income Tax, 249 ITR 265.

4. However, the learned senior counsel for the revenue submits that the judgment is under challenge before the Supreme Court.

5. In so far as we are concerned, the question stands concluded by the Division Bench judgment of this court.

6. No substantial question of law arises.

7. Appeal is dismissed in limine.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)